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Bank Court, Marlowes
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Your reference
CT/SE/D&F
Our reference
T/APP/2142/A/73/9732/DS
Date

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DIVISIONAL PLANNING
26 MAR 1974
WEST HERTS

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY MISS E E MIDDLETON

1.   I refer to this appeal, which I have been appointed to determine, against the decision of the Hemel Hempstead Rural District Council, acting on behalf of the Hertfordshire County Council, to refuse planning permission for the erection of four houses on part of parcel 290 on OS Herts XXXVIII.2, Long Meadow, Bovingdon.   I held a local inquiry into the appeal on 12 December 1973.

2.   From my inspection of the site and surroundings and the representations received it appears to me that the decisive issue is whether or not the proposed development would harm the character of the neighbourhood.

3.   The site is, with minor irregularities, rectangular in shape having a frontage of about 150 ft to an unclassified road known as Flaunden Lane, and a depth of 255 ft.   The area is densely overgrown with numerous small trees and shrubs and contains several derelict outbuildings.   The north-western and north-eastern boundaries are formed by brick walls of between 5 to 9 ft in height whilst that to the south-west is a post and rail fence repaired at intervals with post and wire.   The front or south-eastern boundary is delineated by a hedge and a row of mature trees.

4.   An orchard and agricultural land face the site across Flaunden Lane and a grazing meadow lies between the south-western boundary of the site and Chipperfield Road.   To the rear of the site lie the gardens of Long Meadow and Crossfield two dwellings which, with The Coach House and Hunters Lodge, form a small group based on what was formerly one large detached dwelling and its ancillary buildings.   The drive leading to this group from Flaunden Lane runs parallel to the north-eastern boundary of the site and is lined on both sides with mature trees.   North-east of the drive and the Long Meadow properties lie the nursery land and greenhouses surrounding Copse Hill House.

5.   For your client it was stressed that the site is not in the Metropolitan Green Belt and had in fact been excluded therefrom in 1971 when the County Development Plan Review was approved by the Secretary of State.   As land without notation there is a general presumption in favour of its use for housing in the absence of exceptionally compelling planning objections and, in your view, these do not exist.   Historically the site has always been part of the curtilage of the original Long Meadow house and is clearly separate from the adjoining grazing land.   The site is overgrown, untidy and contributes nothing to the visual amenities of the area.   Although it was conceded that the site was physically divorced from the village of Bovingdon the proposal is, in your view, neither one of ribbon development nor of a sporadic nature but is a logical use for housing of land always associated with a large, now sub-divided house.

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By retaining the existing brick boundary walls and as much of the front hedge as the provision of adequate visibility splays would allow the site could be developed so as not to reduce the privacy of adjoining occupiers and only one new road junction would be required. Alternative sketch layouts (Plans C, D and E) were submitted although it was agreed that of these 'D' involved access over land not in Miss Middleton's control.

6. The council stated that they are operating in respect of this land an interim green belt control policy as directed by the Secretary of State in 1971 when he gave his approval to the first review of the County Development Plan. This site is, at its nearest, only some 450 ft north of the approved Metropolitan Green Belt and is therefore, in their opinion, one where protection is particularly necessary if the final decision on the limits of the green belt is not to be prejudiced. Whilst the council are fully aware of the policies contained in Circular 122/73 they have not carried out a specific review to identify sites to which the Circular might apply as they considered that they had performed virtually the same operation when completing the return of building land availability required under Circular 102/72. In their view the site no longer forms part of the Long Meadow group of four dwellings from which it is separated physically by high walls and by use dissociation extending back for some twenty years. Although the site is overgrown such growth, consisting of trees and shrubs, is natural in character and the council feels that it contributes to the rural aspect of the area by forming, in its small way, part of an undeveloped area of countryside.
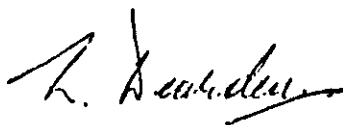
7. Of the four interested persons who spoke three were opposed to the application, considering that there would be a traffic hazard adjacent to the site access, that there are doubts as to the adequacy of sewerage facilities and that the natural expansion of Bovingdon lies to the west of the village, as instanced by a recent planning appeal decision by the Secretary of State to permit housing on some 22 acres of land in that area. One person spoke in favour of the application on the grounds that the site had been lived on, albeit temporarily and for a special purpose, in the past and that its use for housing would not be harmful to the surrounding area.

8. In my view the site is clearly divorced from the village of Bovingdon by a considerable stretch of open countryside containing only a few scattered dwellings. Whilst the changing social structure has rendered the subdivision of large houses such as the original Long Meadow necessary this does not seem to me a sound reason for approving the erection of further new dwellings in the vicinity of the smaller units thus formed. I consider that the addition of four dwellings to the nine now existing on both sides of Flaunden Lane in the vicinity of the appeal site would represent a consolidation of a small haphazard group of dwellings set in the open countryside and would do harm to the character of the surrounding area.

9. I have considered all the other matters raised in the representations received but in my opinion they are not of sufficient force to outweigh the considerations that have led me to my decision.

10. For the above reasons, and in exercise of the powers transferred to me, I hereby dismiss this appeal.

I am Sir
Your obedient Servant

L DEARDEN JP Barrister at Law FIAAS
Inspector